761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 4, 2011
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2288410
Incident:	Use of Force
Incident Date:	May 10, 2011
Unit:	Inmate Reception Center
Suspect:	Steve Allen Mitchell MB/33
Involved Employees:	Deputy [redacted] #[redacted] Deputy Beau Topar, #[redacted] Sergeant [redacted] #[redacted]
EFRC Date:	October 4, 2011

On October 4, 2011, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Michael Rothans, and Commander Anthony La Berge met and reviewed the above case. The applicable policies that were evaluated were: MPP 3-01/025.00, Use of Force; Unreasonable Force; and 3-01/050.10, Performance to Standards.

FINDINGS:

The Committee determined that the force used by Deputies [redacted] and Topar and Sergeant [redacted] was reasonable, necessary, and in compliance with Department Policy. The Committee also determined that the tactics used by the deputies and the sergeant were sound and within reasonable.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-00555-5120-054	Date: 5/10/11		Time: 2005
Location: 450 Bauchet Street	City or Station: Los Angeles		
Bureau/Station/Facility: Inmate Reception Center	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant (skeletal fracture)			
Deputy Injury: YES ☒ NO ☐	Suspect Injury YES ☒ NO ☐		
☐ Call	☐ Observation	☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Ault	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	IRC	Booking front

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 8"	210 lbs

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ Coroner Case #: Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Topar	Beau	C.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	IRC	Booking front

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6' 3"	190 lbs

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ Coroner Case #: Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	IRC	1st Floor Sergeant

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6' 00"	205 lbs

☒ Injured ☒ Treated ☐ Admitted Hospital: ______ Coroner Case #: Directed Force ☐ Significant Force ☒

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	Sgt.	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	Carter	John	L.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Chavez	Arturo	M.

Watch Commander (**Print Name**): Patrick Kim — Watch Commander's **Signature**: [redacted] — Emp #: — Date

Supervisor Completing Form: (**Print Name**): Chuck Antuna — Emp #: — Copy Provided to Employee by: — Emp #:

Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO# 2288410

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

911-00555-5120-054

Suspect Information

S 1

Last Name: Mitchell	First Name: Steve	Middle Name: Allen
AKA Last Name:	First Name:	Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: None | Home Phone: [redacted] | Age: 33 | Height: 6' 1" | D.O.B. 08/01/1977 | Weight: 210 lbs | Armed? ☐

Booking #: 2732430 | Primary Charge Code: 69 PC | Secondary Charge Code: 245(C) PC | Criminal History [redacted]

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: IRC Clinic Coroner Case #: ______ Mental History ☐

By Doctor: Min Kim Address: ______ Phone #: ______

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: 05/10/2011 | Time: 2145 | ☐ Audiotape: ☒ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:
AKA Last Name:	First Name:	Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 0 5 5 5 - 5 1 2 0 - 0 5 4

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name	Age 18	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph.	Home Ph.
Last Name [redacted]	First Name [redacted]	Middle Name	Age 28	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph.	Home Ph. [redacted]
Last Name [redacted]	First Name [redacted]	Middle Name	Age 50	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
MITCHELL	S1	[redacted]	E1	UC	NN	
[redacted]	E1	MITCHELL	S1	PH	NN	
MITCHELL	S1	[redacted]	E1	CT	NN	
[redacted]	E1	MITCHELL	S1	TT	NN	
TOPAR	E2	MITCHELL	S1	TT	NN	
[redacted]	E3	MITCHELL	S1	TT	NN	
MITCHELL	S1	[redacted]	E1	PK	NN	
MITCHELL	S1	[redacted]	E1	PH	NN	
MITCHELL	S1	[redacted]	E1	UC	NN	
[redacted]	E1	MITCHELL	S1	PH	NN	
[redacted]	E1	MITCHELL	S1	OC	CP	
MITCHELL	S1	[redacted]	E1	UC	NN	
TOPAR	E2	MITCHELL	S1	FL	FR	LE
[redacted]	E1	MITCHELL	S1	RH	NN	
TOPAR	E2	MITCHELL	S1	RH	NN	

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

SIGNIFICANT USE OF FORCE

- TAKEDOWN
- OC SPRAY
- PERSONAL WEAPONS

UNIT: INMATE RECEPTION CENTER

DATE / TIME OF INCIDENT: MAY 10, 2011 (TUESDAY) / 2005 HOURS

LOCATION: 450 BAUCHET STREET, LOS ANGELES

URN: 911-00555-5120-054

IAB #: FO2288410

SYNOPSIS

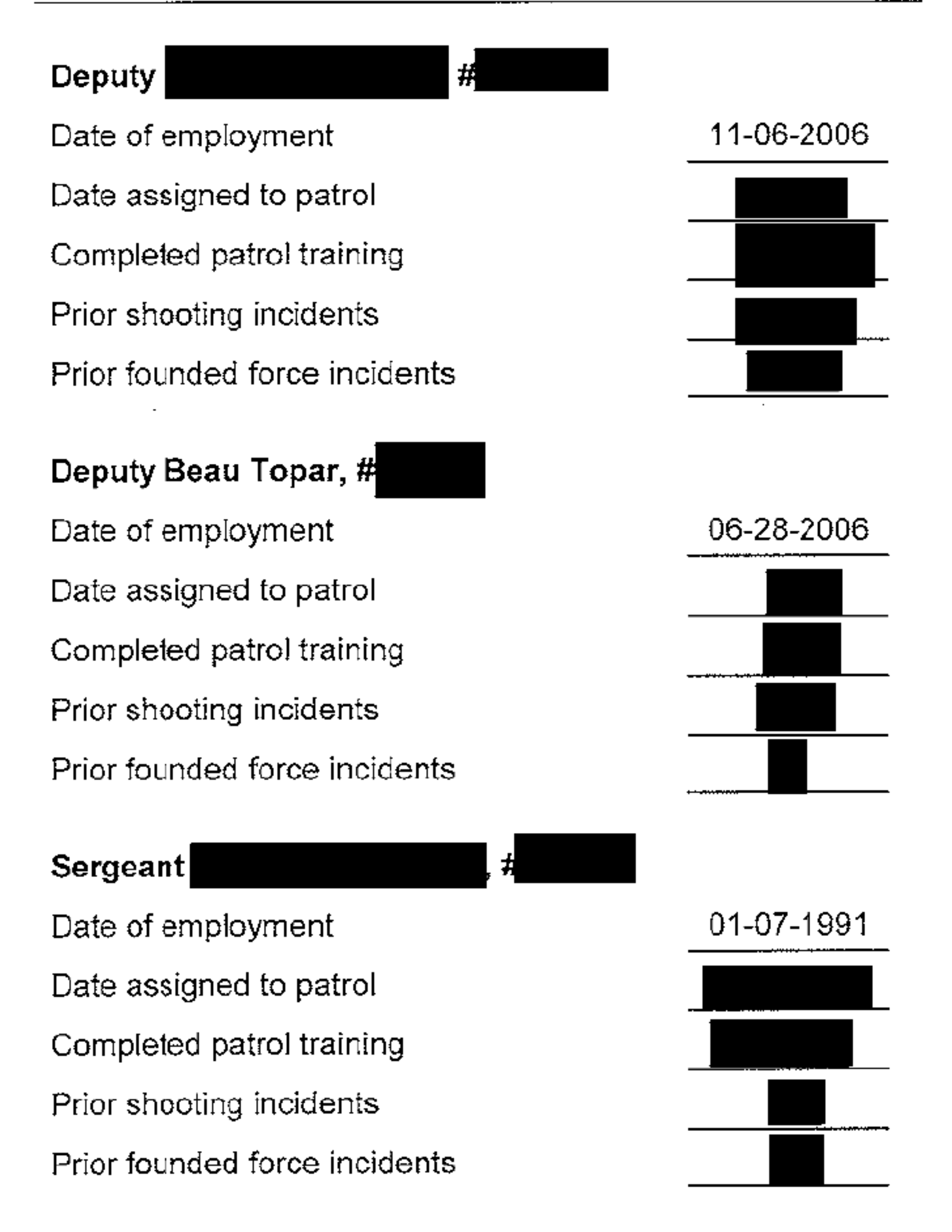
On May 11, 2011, at 0000 hours, the On-Call Internal Affairs Bureau Lieutenant, Alicia Ault, was notified about a use of force which occurred at the Inmate Reception Center. On May 12, 2011, at 1850 hours Lieutenant Ault received an update that the suspect had sustained a fractured tibia as a result of the use of force.

On May 11, 2011 at 2005 hours, Deputy [redacted] and Deputy Beau Topar were conducting a strip search of approximately sixty inmates in the search tank of the booking front area at the Inmate Reception Center. Toward the conclusion of the process, Deputy [redacted] addressed Suspect Mitchell for failing to comply with instructions.

Deputy [redacted] began to escort Suspect Mitchell to an isolation cell, when a physical altercation between the two ensued. Sergeant [redacted] and Deputy Topar then assisted Deputy [redacted] with controlling Suspect Mitchell. Suspect Mitchell's head hit the floor during this time. As the altercation continued, Suspect Mitchell's lower leg was struck several times with a flashlight and pepper spray was applied to his face. Suspect Mitchell was handcuffed without further incident.

Inmate Mitchell was immediately transported to the IRC clinic where he was treated for a small laceration to the back of his head and his left leg. He was subsequently transported to LCMC where it was confirmed that Inmate Mitchell sustained a hairline fracture to the tibia per Dr. Vijverbeg.

Sergeant [redacted] injured his wrist in this incident and was treated at U.S. Healthworks.



INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy [redacted] #[redacted]

Date of employment	11-06-2006
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Deputy Beau Topar, #[redacted]

Date of employment	06-28-2006
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

Sergeant [redacted], #[redacted]

Date of employment	01-07-1991
Date assigned to patrol	[redacted]
Completed patrol training	[redacted]
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

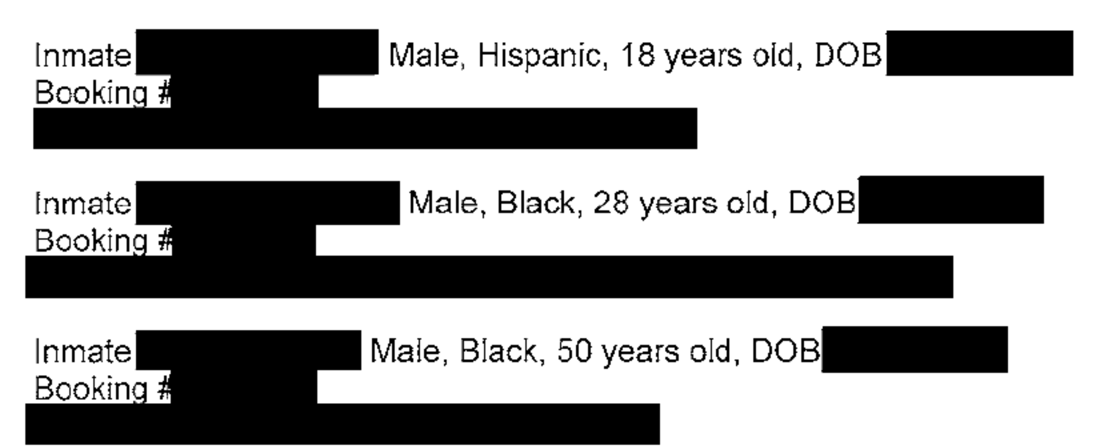
SUSPECT INFORMATION

Steve Allen Mitchell
Male, Black, 33 years old, DOB: 08-01-1977, Booking #2732430, 6' 1", 210 lbs

CII #[redacted] MAIN #[redacted], FBI #[redacted]

Suspect Mitchell was [redacted] Refer to Suspect Mitchell's Consolidated Criminal History Report in the Miscellaneous Documents section for detailed information.

WITNESSES



Inmate [redacted] Male, Hispanic, 18 years old, DOB [redacted]
Booking #[redacted]

Inmate [redacted] Male, Black, 28 years old, DOB [redacted]
Booking #[redacted]

Inmate [redacted] Male, Black, 50 years old, DOB [redacted]
Booking #[redacted]

INJURIES

Suspect Mitchell sustained a fractured tibia and an two open wounds to the muscle and skin as a result of the use of force. Refer to Suspect Mitchell's medical assessment **[EXHIBIT A]** for more detailed information.

Sergeant MacKenzie injured his wrist in this incident.

PHYSICAL EVIDENCE

There was no physical evidence.

INVESTIGATOR'S OBSERVATIONS

The scene of the incident is located at the Booking Front area of the Inmate Reception Center. The search tank is a room, approximately 60' X 15' partially enclosed on three sides with safety glass.

WEAPONS USED BY DEPUTY PERSONNEL

Personal weapons
OC spray
Flashlight

WEAPONS USED BY SUSPECT

Personal weapons

PROPERTY DAMAGE

None

CRIMINAL CHARGES FILED

No charges were filed by the District Attorney's Office against Suspect Mitchell.

INVOLVED DEPUTY AND WITNESS STATEMENTS

The following is intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

Deputy [redacted]

Deputy [redacted] told IAB investigators Suspect Mitchell was not complying with his instructions during the search process and at one point said, "What the fuck, B?" He then instructed Suspect Mitchell to turn around and face the wall. He had Suspect Mitchell's left hand in a firm grip and began escorting him to an isolation cell when Suspect Mitchell suddenly "jumped off the wall" with his right hand and raised his fist yelling, "You're a fucking punk bitch!"

Deputy [redacted] said he believed Suspect Mitchell was going to attack him, at which time he punched Suspect Mitchell in the face once. After Suspect Mitchell grabbed him in a bear hug from the front, Sergeant [redacted] and Deputy Topar assisted him with taking Suspect Mitchell to the ground, where he began to kick and punch at them. When Suspect Mitchell ignored his verbal commands to stop fighting, Deputy [redacted] said he punched him in the face three to four times. Suspect Mitchell continued his assaultive behavior, at which time Deputy [redacted] said he sprayed Suspect Mitchell in the face with OC spray. Deputy [redacted] said it was during this time that he thinks Deputy Topar recovered his flashlight that fell out of his pocket. However, he did not know Deputy Topar struck Suspect Mitchell with it until the incident was over.

Deputy [redacted] submitted a report of the incident **[EXHIBIT B]**.

Deputy Beau Topar

Deputy Topar told IAB investigators he was approximately ten feet away when he saw Deputy [redacted] escort Suspect Mitchell toward the uncuff cell. He heard Suspect Mitchell say, "Fuck", and saw him turn toward Deputy [redacted] and swing at him. After Deputy [redacted] punched Suspect Mitchell once, Suspect Mitchell grabbed him in a bear hug around his mid section. He and Deputy [redacted] took Suspect Mitchell to the ground where they had difficulty gaining his compliance. Deputy Topar said he applied knee strikes to Suspect Mitchell's ribs to try to gain control of his hands so they could handcuff him. Suspect Mitchell rolled around and kicked at him, at which time he grabbed a flashlight and struck him three or four times in the lowers part of his legs, which caused him

to stop kicking. Deputy Topar said as he focused back on gaining control of Suspect Mitchell's arm, he smelled OC spray. They got Suspect Mitchell on his stomach, handcuffed and escorted him to the isolation cell without further incident.

Deputy Topar said Deputy [redacted] did not do anything, nor did he say anything to provoke Suspect Mitchell into being uncooperative or assaultive. He submitted a report of the incident **[EXHIBIT B]**.

Sergeant [redacted]

Sergeant [redacted] told IAB investigators he was monitoring the search process from the doorway of the search cell when he saw Deputy [redacted] escorting Suspect Mitchell out to the uncuff cell. He didn't see or hear anything between them at that time. He walked across the search cell to the opposite doorway, at which time he saw Suspect Mitchell spin around and grab Deputy [redacted] in a bear hug. He and Deputy [redacted] simultaneously grabbed Suspect Mitchell and took him the ground.

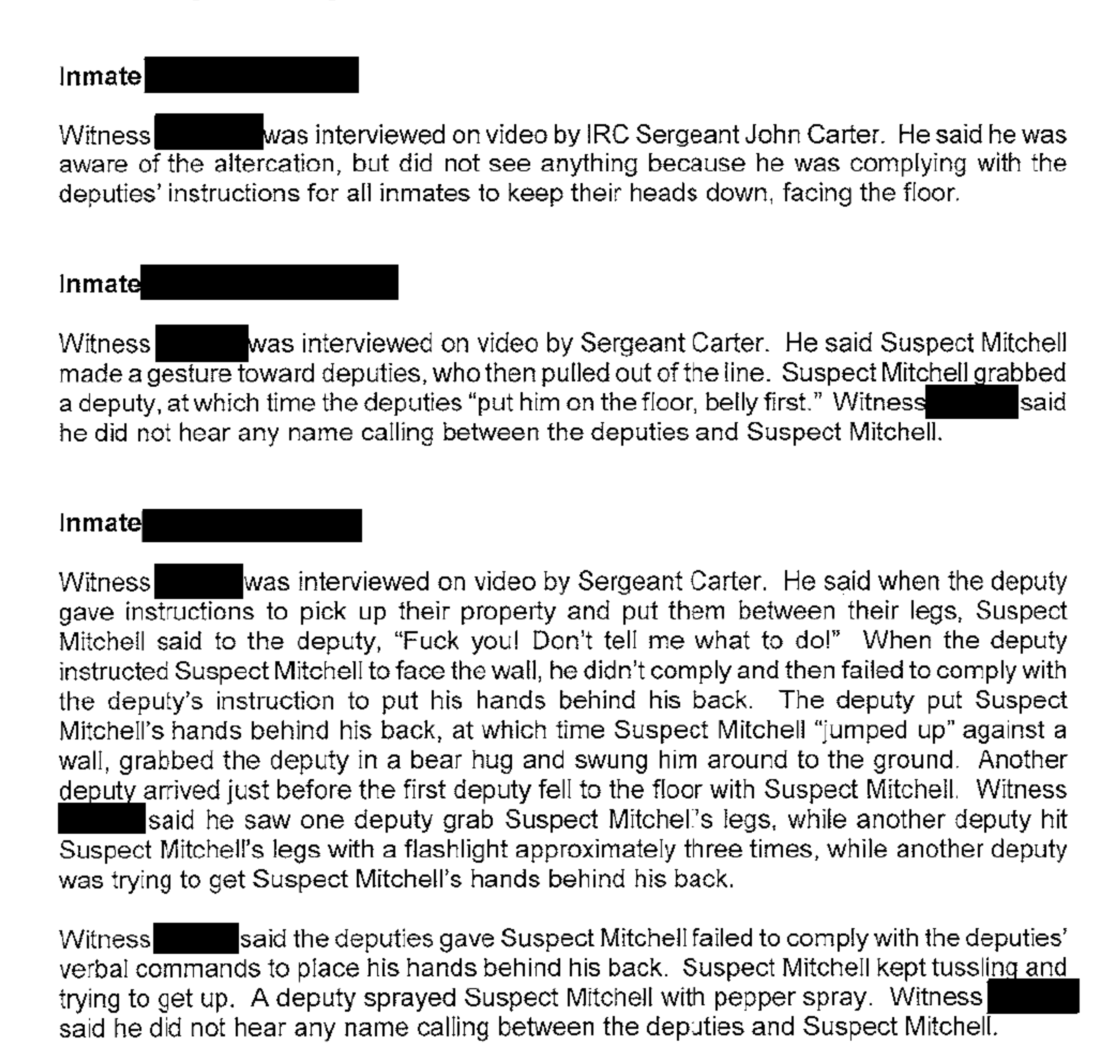
Sergeant [redacted] said he was trying to gain control of Suspect Mitchell's arm when Suspect Mitchell pulled on his arm and injured him by causing his wrist to pop out of joint. He couldn't move his arm so he disengaged from the fight for a moment.

Sergeant [redacted] said Suspect Mitchell failed to comply with their repeated verbal commands to stop fighting and give them his hands. Suspect Mitchell was flailing around. Deputies [redacted] and Topar turned Suspect Mitchell onto his stomach, handcuffed him, stood him up and escorted him out without further incident. He estimated the entire incident lasted approximately thirty seconds. He did not see either Deputy [redacted] or Deputy Topar hit Suspect Mitchell in the face.

Sergeant [redacted] submitted a report of the incident **[EXHIBIT B]**.

WITNESS INTERVIEW

The following is intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the video recorded interviews [EXHIBIT C].



Inmate [redacted]

Witness [redacted] was interviewed on video by IRC Sergeant John Carter. He said he was aware of the altercation, but did not see anything because he was complying with the deputies' instructions for all inmates to keep their heads down, facing the floor.

Inmate [redacted]

Witness [redacted] was interviewed on video by Sergeant Carter. He said Suspect Mitchell made a gesture toward deputies, who then pulled out of the line. Suspect Mitchell grabbed a deputy, at which time the deputies "put him on the floor, belly first." Witness [redacted] said he did not hear any name calling between the deputies and Suspect Mitchell.

Inmate [redacted]

Witness [redacted] was interviewed on video by Sergeant Carter. He said when the deputy gave instructions to pick up their property and put them between their legs, Suspect Mitchell said to the deputy, "Fuck you! Don't tell me what to do!" When the deputy instructed Suspect Mitchell to face the wall, he didn't comply and then failed to comply with the deputy's instruction to put his hands behind his back. The deputy put Suspect Mitchell's hands behind his back, at which time Suspect Mitchell "jumped up" against a wall, grabbed the deputy in a bear hug and swung him around to the ground. Another deputy arrived just before the first deputy fell to the floor with Suspect Mitchell. Witness [redacted] said he saw one deputy grab Suspect Mitchell's legs, while another deputy hit Suspect Mitchell's legs with a flashlight approximately three times, while another deputy was trying to get Suspect Mitchell's hands behind his back.

Witness [redacted] said the deputies gave Suspect Mitchell failed to comply with the deputies' verbal commands to place his hands behind his back. Suspect Mitchell kept tussling and trying to get up. A deputy sprayed Suspect Mitchell with pepper spray. Witness [redacted] said he did not hear any name calling between the deputies and Suspect Mitchell.

SUSPECT INTERVIEW

The following is intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing the video recorded interviews [EXHIBIT C].

Steve Mitchell

Suspect Mitchell was interviewed on video by IRC Sergeant John Carter and Lieutenant Art Chavez immediately after the incident. He told them when heard the deputy's instructions for all inmates to grab their shoes, he grabbed his shoes and looked around to see what the other inmates were doing. Another deputy approached him and suddenly kicked him in his shin. He reacted by saying, "What's up, fuck!?" because he didn't know why he was singled out. The deputy grabbed him by the back of the head in an attempt to force him to his knees, and twisted his arm back. When the deputy instructed him to stand up, he questioned the deputy by asking how he was supposed to stand up when his arm is being twisted. During this time, another deputy twisted his other arm and said, "Stand up mother fucker!"

Suspect Mitchell said he stood up, spun around and grabbed the first deputy in a bear hug over his arms. Other deputies "jumped him", causing the back of his head to impact the doorway. Suspect Mitchell said he was kicked in the chin, jaw, face, and stomach. He struck approximately 20-50 times with a flashlight in his shins and spray with pepper spray. He also said he was punched in the stomach once, and one deputy tried to kick him in the "nuts." He was taken to a cell where the deputies "slammed" him to the floor, kicked and punched him, and called him racial slurs as they handcuffed him. Suspect Mitchell denied kicking any deputy personnel and said his knees and legs were "up" as a deputy repeatedly hit his shins. It was his belief the deputies were going to place a hobble restraint around his legs.

Suspect Mitchell complained of pain to the back of his head and shins. He approximated there were five to six deputies involved in the incident.

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